

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

SHAWN MACKEY

PLAINTIFF

VERSUS

NO. 3:23-CV-233-DPJ-ASH

JOHN PIGOTT, ET AL.

DEFENDANTS

DEPOSITION OF KELL SMITH

APPEARANCES NOTED HEREIN

DATE: MARCH 14, 2025
PLACE: MISSISSIPPI ATTORNEY GENERAL'S OFFICE
550 HIGH STREET, SUITE 1100
JACKSON, MISSISSIPPI
TIME: 9:00 A.M.

REPORTED BY: AMANDA MAGEE WOOTTON, CSR, RPR
CSR #1238

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1 A I would say probably a year or two. Given
2 my background in public policy and interest in public
3 policy, the agency did not have someone that oversaw
4 legislative efforts at the board. And so I approached
5 Dr. Clark at some point about, in addition to handling
6 communication responsibilities, also handling
7 legislative responsibilities as well, and he agreed to
8 that.

9 And at some point my title changed to
10 director of communications and legislative services.

11 Q You say at some point. Was it within the
12 one or two years that you told me that you worked as
13 the communications specialist?

14 A I would think so, yes, ma'am.

15 Q So after one or two years of working as the
16 communication specialist, you became a director?

17 A Of communications and legislative services.

18 Q When did you become the interim executive
19 director of the MCCB?

20 A In July of 2021.

21 Q And what was your starting salary?

22 A As interim executive director it was
23 \$210,000.

24 Q What is your current salary?

25 A \$180,000.

1 Q Okay.

2 A And then I did not put the -- I guess the
3 program specialist for communications position from
4 May of '08 to whenever that was.

5 Q And that's communication specialist for who?

6 A The community college board.

7 Q Now, on this application, there is a --
8 you're swearing -- do you see your signature on
9 page 211 --

10 A I do.

11 Q -- the last page? And above that you swore
12 that you had not made a misstatement or omission of
13 fact?

14 A Yes.

15 Q Okay. You said that -- of course, it says
16 that if you did make a misstatement or omission of
17 fact on this application it could result in your
18 dismissal.

19 A Yes.

20 Q Okay. And when you look at employer two,
21 you stated that you started on May 1st of 2008. And
22 that was the start date. And the end date was
23 July 16th of 2021. And you listed your title as the
24 director of communications and legislative services.

25 And that is not correct, is it?

1 A No. Because I served as a program
2 specialist for the time period beginning May 1st,
3 2008.

4 Q Until when?

5 A I would have to go back and look.

6 Q Did you go back and look when you were
7 completing this application?

8 A I did not.

9 Q Okay. And you understood when you completed
10 this application that you were to provide accurate and
11 correct information?

12 A Yes.

13 Q In fact, you did not become a director until
14 2011, correct?

15 MS. DOWDLE: Object to the form of the
16 question.

17 You can answer.

18 A I assume so. I don't know. I don't have it
19 in front of me.

20 MS. ROSS: (Continuing.)

21 Q So you would have to have it in front of you
22 to know?

23 A When I became a director -- when I became
24 the director, yes. I don't know off the top of my
25 head.

1 A At the community college board in July of
2 2021 when I was named interim executive director.

3 Q The position for executive director had
4 opened before Andrea Mayfield left, right?

5 A Yes.

6 Q And why didn't you apply?

7 A I did not meet the qualifications at the
8 time.

9 Q Were you interested in serving as the
10 executive director when Andrea Mayfield was selected?

11 A Not when she was selected, not in 2015.

12 Q And when did you become interested in the
13 position?

14 A Whenever I felt like I could make a
15 difference with how the agency was operating. When
16 Dr. Mayfield left, our agency was not in a good
17 position with the community colleges and with external
18 partners from a relationship standpoint. And I felt
19 like I could build -- rebuild those bridges that had
20 been damaged towards the end of Dr. Mayfield's tenure.
21 I felt like I could help lead the agency back to a
22 better place.

23 Q And did you share those sentiments with
24 anyone?

25 A I did not.

1 Q Did you write the new job description?

2 A I did not.

3 Q Who wrote it?

4 A I do not know.

5 Q When did you learn that Shawn Mackey was
6 interested in the position?

7 A I know that he applied the first -- when
8 Dr. Eric Clark retired. And when we talked, I believe
9 the Saturday after, in July of '21, he had mentioned
10 his interest in the job.

11 Q Was he qualified?

12 A He met the qualifications.

13 Q In fact, he met the qualifications when he
14 applied when Dr. Clark left the position?

15 MS. DOWDLE: Object to the form.

16 A That's correct.

17 MS. ROSS: (Continuing.)

18 Q And at that time, that's when they were
19 requiring the Ph.D?

20 A That's correct.

21 Q And you didn't meet those qualifications?

22 A That's correct.

23 Q Would you agree with me that Shawn Mackey is
24 clearly better qualified than you for the position of
25 executive director?

1 answered.

2 MS. ROSS: (Continuing.)

3 Q Sir, can you tell us all areas that you left
4 blank?

5 MS. DOWDLE: The document speaks for
6 itself.

7 MS. ROSS: This is my deposition, sir.
8 She cannot ask questions. These are my questions.
9 You need to answer them.

10 MS. ROSS: (Continuing.)

11 Q Can you tell us all pages that you left
12 blank in the evaluation?

13 MS. DOWDLE: Objection.

14 THE WITNESS: Do you want me to
15 continue?

16 MS. DOWDLE: Yes.

17 A Page 3, page 4, page 5, part of page 7. And
18 then I did put the comment "As interim executive
19 director, I rely on Dr. Mackey's expertise. He is
20 well versed in his role as deputy executive director
21 for accountability. I appreciate the help and counsel
22 he's provided me the past 14 months. He's a valuable
23 member of the MCCB team."

24 And I stand by those comments today.

25 MS. ROSS: (Continuing.)